



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue
Seattle, Washington 98101

July 7, 1993

Reply To
Attn Of: SO-155

SPECIAL NOTICE LETTER FOR REMEDIAL DESIGN/REMEDIAL ACTION (RD/RA)
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Steven Tochko
The Boeing Company
Manager, Environmental Projects
Boeing Support Services
P.O. Box 3707
M/S 7E/EJ
Seattle, Washington 98124-2207

Steven Banchemo
Queen City Farms, Inc.
Executive Vice President
Rabanco
4730 32nd South
Seattle, Washington 98118

Re: Queen City Farms Superfund Site

Dear Mr. Tochko and Mr. Banchemo:

This notice letter follows a general notice letter that was issued by the United States Environmental Protection Agency (EPA) in September of 1985, and a special notice letter, sent by EPA in November of 1987, allowing for negotiation of an agreement for implementation of a Remedial Investigation/Feasibility Study (RI/FS) in connection with the Queen City Farms site in Maple Valley, Washington (Site). The Boeing Company (Boeing) is a potentially responsible party (PRP) at the Site as a result of contribution of hazardous substances at the Site. Queen City Farms, Inc. (QCF) is a PRP at the Site as a result of its operation and ownership of the Site presently and at the time of disposal of hazardous substances at the Site. As the representative and contact person for the PRP identified above, this notice letter has been sent to your attention.

This letter serves three functions. First, this letter contains a demand for payment of all costs that have been and will be incurred by the United States Government, including interest thereon, in response to conditions at the Site. Second, this letter notifies Boeing and QCF of initiation of a sixty (60) day period for negotiations with EPA. Third, this letter provides information to assist Boeing and QCF in the negotiations with EPA.

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NOTICE OF POTENTIAL LIABILITY

As indicated in the previous general notice letter, EPA has information indicating that Boeing and QCF may be PRPs subject to liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), as amended (CERCLA), with respect to the Site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA has determined that use of the "Special Notice Procedures" set forth in Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), would facilitate a settlement between EPA, QCF, and Boeing for the Site. Therefore, this letter initiates a 60-day moratorium on certain EPA response activities at the Site. During this 60-day period, Boeing and QCF are invited to participate in negotiations with EPA in order to reach a settlement for conducting or financing the response activities required at the Site, and for payment of costs incurred by the United States Government. The 60-day negotiation moratorium will be extended for an additional sixty (60) days if EPA determines the PRPs have provided EPA with a good faith offer to conduct or finance the Remedial Design/Remedial Action (RD/RA). If settlement is reached between EPA, QCF, and Boeing within the one hundred and twenty (120) day negotiation moratorium, the settlement will be embodied in a consent decree.

FUTURE RESPONSE ACTIONS

The following response activities were selected in the Record of Decision (ROD) which was issued by EPA on December 31, 1992:

1. **Initial Remedial Measures (IRM) area and associated groundwater contamination:** isolation of contaminated soils by construction of a vertical barrier system/slurry wall around the IRM area; dewatering, treatment, and off-Site discharge of the water within the IRM area; contingent extraction of Aquifer 1 groundwater outside the IRM area; treatment, and on-Site discharge of treated groundwater to the Main Gravel Pit Lake or equivalent surface water body; removal and off-Site incineration of light nonaqueous phase liquid (LNAPL) from within, and adjacent to, the IRM area; contingent venting of IRM soils; contingent extraction of

contaminated Aquifer 2 groundwater in order to remove volatile organic contamination.

2. **Buried Drum Area (BDA):** excavation of approximately 10,000 cubic yards of soil and debris; off-Site treatment and disposal of the soils with high levels of contamination at a permitted hazardous waste landfill; on-Site or off-Site treatment of debris at an off-Site solid waste or hazardous waste landfill; placement of soil with low levels of contamination below an extension of the existing IRM cap; backfilling of uncontaminated soil; construction of surface water diversion system, to prevent infiltration of water into the IRM/BDA cap.
3. **4-Tek area:** sampling and analysis of shallow groundwater zone and Aquifer 2, two times a year for five years; extraction and on-Site treatment of groundwater if contamination found above cleanup levels; discharge of treated groundwater into Main Gravel Pit Lake or equivalent on-Site surface water body.
4. **Site-wide actions:** deed restrictions and institutional controls on land and groundwater use; long-term groundwater and surface water monitoring.
5. **Off-Site areas:** long-term monitoring of private drinking water wells.

WORK PLAN AND DRAFT CONSENT DECREE

A copy of the ROD and a draft consent decree are attached to this letter in order to assist Boeing and QCF in developing a good faith offer for conducting the RD/RA.

GOOD FAITH OFFER

As indicated, the 60-day negotiation moratorium triggered by this letter would be extended for sixty (60) additional days if QCF and Boeing submit a good faith offer to EPA. A good faith offer to conduct or finance the RD/RA is a written proposal that demonstrates the PRPs' qualifications and willingness to conduct or finance the design, implementation, and monitoring of the remedy set forth in the ROD. In order for your proposal to be considered a good faith offer, it must include the following elements:

1. A statement of willingness to conduct or finance the RD/RA which is consistent with the ROD and draft consent decree

- and provides a sufficient basis for further negotiations;
2. An item-by-item response to the ROD and draft consent decree;
 3. A detailed description of the work plan, based on the Scope of Work, identifying the specific tasks required for RD/RA;
 4. A demonstration of the technical capability to carry out the RD/RA, including the identification of the firms that may actually conduct the work or a description of the process to be used to select the firms;
 5. A demonstration of the capability to finance the RD/RA;
 6. An unqualified statement of the willingness to reimburse the United States Government for all costs incurred, not inconsistent with CERCLA, in response to conditions at the Site; and,
 7. The name, address, and telephone number of the person or persons who will represent QCF and Boeing in negotiations with EPA.

DEMAND FOR PAYMENT

EPA anticipates expending additional funds for the RD/RA beyond those already being reimbursed for costs incurred at the Site to date. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), Boeing and QCF are potentially liable for all costs expended by the government at the Site, whether the costs are incurred during the course of EPA implementing the entire RD/RA, or through EPA's oversight of the response activities conducted by the PRPs.

ADMINISTRATIVE RECORD

In accordance with Section 113(k) of CERCLA, 42 U.S.C. § 9613(k), EPA has established an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for the Site. The administrative record files, which contain the documents related to the response action selected for this Site, are available to the public for inspection and comment. The primary location is the EPA Regional Office in Seattle, Washington.

PRP RESPONSE AND EPA CONTACT PERSON

You are encouraged to contact EPA, by letter, and indicate your willingness to participate in negotiations for the Site. If EPA does not receive a timely good faith offer, EPA will assume that you do not wish to negotiate resolution of your liabilities in connection with the Site, and that you have declined involvement in performing the response activities. QCF and Boeing may be held liable under Section 107 of CERCLA, 42 U.S.C. § 9607, for the cost of the response activities performed at the Site and for any damages to natural resources.

Your response to this notice letter should be sent to:

Elizabeth McKenna
Assistant Regional Counsel
U.S. Environmental Protection Agency
1200 Sixth Avenue, SO-155
Seattle, Washington 98101
(206) 553-0016

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein.

If you are represented by counsel, please have your attorney contact Elizabeth McKenna in the Office of Regional Counsel at (206) 553-0016. If you have any questions, please direct them to Howard Orlean, Remedial Project Manager, at (206) 553-6903.

Sincerely,

Catherine C. Krueger

for Carol A. Rushin, Chief
Superfund Remedial Branch

Enclosures

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Sincerely,

Carol A. Rushin, Chief
Superfund Remedial Branch

Enclosures

INITIAL	<i>em</i>	<i>RM</i>	<i>SK</i>	<i>HO</i>	<i>CR</i>
NAME	<u>McKenna</u>	<u>Mednick</u>	<u>Kowalski</u>	<u>Orlean</u>	<u>Krueger</u>
DATE	<u>4/30/93</u>	<u>5/3/93</u>	<u>5/4/93</u>	<u>5/6/93</u>	<u>5/4/93</u>

P 112 356 114



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Boeing support Services

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• Elizabeth McKenna, Esq.
U.S. EPA, Region 10
Office of Regional Counsel
1200 Sixth Avenue, SO-155
Seattle, Washington 98101

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Steven Tochko, The Boeing Company
 Manager, Environmental Projects
 Boeing Support Services
 P.O. Box 3707, M/S 7E/EJ
 Seattle, Washington 98124-2207

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P 112 356 114

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